

**REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1-6 are currently being prosecuted. Claim 1 is independent. No claims have been amended, added or canceled by the present Amendment.

Reconsideration of this application is respectfully requested.

**Rejection under 35 USC § 112**

Claims 1-5 are rejected under 35 USC § 112, second paragraph. Applicant respectfully traverses this rejection.

The Office Action states that a bonding ratio of 100% is indefinite because it suggests that the flake is not present.

Applicant respectfully submits that the claimed bonding ratio between a thermosetting resin powder and a flake pigment is not the same as the composition or mixing ratio. The bonding ratio means a bonding rate of the flake pigment bound to a surface of the thermosetting resin powder by means of a binder. Therefore, 100% bonding ratio can be obtained between these two components. The bonding ratio is an important index to indicate adhesion between the resin powder and the flake pigment to accomplish. e.g., improved adhesion. See, for example, the present specification at pages 25 – 31 and Figure 3. Accordingly, it is respectfully requested this rejection be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over He et al. in view of Morgan et al. Also, claims 1-4 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikami et al. in view of Morgan et al. Further, claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikami et al. in view of Morgan et al. and Symietz. Lastly, claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikami et al. in view of Morgan et al. and Sasaki et al.

Applicant respectfully traverses these rejections.

The present invention is directed to a novel metallic powder coating composition powder comprising coating particle including thermosetting resin powder, an adhesive binder, and a flake pigment bound to a surface of said thermosetting resin powder by means of said binder; wherein said powder coating particle has an average particle size of at most 100 $\mu$ m based on D50 conversion, and a bonding ratio between said thermosetting resin powder and said flake pigment is in a range from 90% to 100%, as recited in claim 1.

As discussed in the non-limiting example at page 4, lines 1-14 in the present application, in order to improve adhesion between the flake pigment and the resin powder, a powder coating particle has an average particle size of at most 100 $\mu$ m based on D50 conversion, and a bonding ratio between said thermosetting resin powder and said flake pigment is in a range from 90% to 100%.

He et al. is directed to a metal-containing platelet pigment suitable for a powder coating composition and to the powder coating compositions including such pigments. In particular, the

meal platelets made of aluminum flakes are provided with a viscous surface layer of polymer or other sticky liquid material. See column 2, lines 44-62.

The Office Action recognizes He et al. does not teach or suggest an average particle size of the powder coating particle and relies on Morgan et al. as teaching this feature. However, Morgan et al. does not teach or suggest the bonding ratio as claimed by the present invention. He et al., Mikami et al., Symiez and Sasaki et al. also do not teach or suggest this feature. Specifically, as to He et al., the Office Action indicates that the exemplified relative amount of powder to pigment indication is 95% is viewed as a composition or mixing ratio, not as a bonding ratio.

Accordingly, it is respectfully submitted independent claim 1 and each of the claims depending therefrom are allowable.

### **Conclusion**

All of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Therefore, reconsideration and withdrawal all presently outstanding rejection and are respectfully requested and deemed proper. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James T. Eller, Jr., Reg. No. 39,538

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at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 5, 2008

Respectfully submitted,

By 

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